



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,397	03/05/2001	Alok Sharma	0023-0135	2689
44987	7590	12/14/2007		
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER ZHONG, JUN FEI	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/800,397

Applicant(s)

SHARMA, ALOK

Examiner

Jun Fei Zhong

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-17 and 22-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-17 and 22-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/27/2007 with respect to claims 1, 3-10, 12-17, and 22-40 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "1-3, 7, 10, 15, 20, 25, 30, 40, 45, 50, 60, 61-63, 65-78, 105, 110, 115, 254-257, 265, 400, 450, 475, 505, 525, 550, 555, 600, 650, 800, 950, 1100, 1200, 1300, 1310, 1320, 1330, 1340, 1350, 1600, 1800, 1900, 1905, 2000, 2005". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b)

Art Unit: 2623

are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because "AQM-16" in Fig. 12 should be "QAM-16". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

Art Unit: 2623

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 38 is objected to because of the following informalities: claim 17 and claim 38 are identical. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 3-10, 12-17, and 22-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2623

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-4, 8, 16-17, 22-26 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barham et al. (Patent # US 6721371 B1) in view of English (Patent # US 5489879).

As to claim 1, Barham discloses a method of demodulating multiple channels, comprising:

providing a first analog to digital converter (e.g., analog to digital converter 102; Fig. 18) having an analog input and a digital output (see col. 3, lines 50-56);

providing a first plurality of digital demodulators (e.g., demodulator 10A), each demodulator having a programmable center frequency (see col. 6, lines 56-63);

coupling a band of frequencies to the analog input of the first converter, the band including a first plurality of channels (see col. 3, line 57 through col. 4, line 5 and lines 20-44; Fig. 18);

creating digitized samples of the band at the output of the first converter (e.g., ADC 102 outputs digitized samples) (see col. 3, lines 57-65);

coupling the digitized samples to the plurality of demodulators (e.g., the digitized samples are coupled to demodulators 10 through demultiplexer 103; Fig. 18);

demodulating a second plurality of channels from the band of frequencies (e.g., demodulators 10 demodulate band of frequencies; Fig. 18);

Art Unit: 2623

each set corresponding to one of multiple low-pass digital filters, each filter having one of a predetermined set of bandwidths (e.g., reconfigurable FIR filter 14) (see col. 4, line 11 through col. 6, line 63);

Barham does not specifically disclose a filter coefficients storage.

In a analogous art, English discloses maintaining pre-computed sets of filter coefficients in non-volatile storage (e.g., coefficient register 44; Fig. 2) (see col. 3, lines 47-50),

selecting a first center frequency and first bandpass bandwidth for provisioning a first one of the first plurality of demodulators (e.g., selecting bandpass bandwidth for FIR filter);

retrieving the filter coefficients associated with the first bandpass bandwidth (e.g., locating coefficients for desired shape and center frequency for filter) (see col. 3, lines 42-57);

subjecting the retrieved filter coefficients to a bandpass transformation corresponding to the first center frequency (e.g., modifies FIR coefficients) (see col. 4, lines 27-37);

loading the transformed filter coefficients into coefficient latches in the first demodulator (e.g., loading a set of coefficients to FIR filter) (see col. 4, lines 37-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have coefficients storage as taught by English to the FIR filter of Barham in order to provide a subcarrier signal generator at relatively lesser

Art Unit: 2623

expense, yet compensate for frequency-dependent characteristics and provide a high quality subcarrier signal.

As to claim 3, Barham discloses reconfigurable FIR filter (see col. 4, line 11 through col. 6, line 63);

English discloses operating the first demodulator at the first center frequency (e.g., desired FIR coefficients);

subsequent to said operating, loading the coefficient latches in the first demodulator with transformed coefficients corresponding to a second center frequency (e.g., modified FIR coefficients);

operating the first demodulator at the second center frequency (e.g., loading modified FIR coefficients to FIR filter) (see col. 4, lines 27-56).

As to claim 4, Barham discloses reconfigurable FIR filter (see col. 4, line 11 through col. 6, line 63);

English discloses selecting a second center frequency and second bandpass bandwidth for provisioning a second one of the first plurality of demodulators, wherein said first and second bandpass bandwidths are unequal (e.g., desired FIR coefficients and modified FIR coefficients are not the same);

retrieving the filter coefficients associated with the second bandwidth;

subjecting the retrieved filter coefficients to a bandpass transformation corresponding to the second center frequency;

loading the transformed coefficients into coefficient latches in the second demodulator (e.g., loading modified FIR coefficients to FIR filter) (see col. 4, lines 27-56).

As to claim 8, Barham discloses the method of claim 1, wherein the first converter, the demodulators, and the non-volatile storage are implemented on a single integrated circuit (e.g., bank or array of IC demodulators 10) (see col. 3, lines 53-55).

As to claim 16, Barham discloses the method of claim 1, wherein each of the demodulators uses an FIR digital filter (see col. 3, lines 51-55; col.5, lines 49-52).

As to claim 17, wherein each FIR filter is an Optimum Equiripple Linear-Phase filter (i.e., this is a matter of design choice as known to those ordinary skill in the art of filter design).

As to claims 22-23, the claimed number of the filter coefficients for each filter is at least 16 (claim 22) and is at most 24 (claim 23) is also a matter of design choice, which is well known to those of ordinary skill in the art of filter design, in addition to, as is well known in the art, tradeoffs must be made between passband ripple (less is better), stopband attenuation (more is better), for a fixed number of coefficients. Therefore, the number of coefficients selected by the inventor or designer is relative to the type of tradeoff benefits the designer would like to gain or lose as described above.

As to claims 24-26 and 36-40, the claims are met by the rejection of claims 1, 3-4, 8, 16-17 and 22-23, as described above

10. Claims 5-7, 13, 27-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barham et al. (Patent # US 6721371 B1) in view of English (Patent # US 5489879), and further in view of Quigley et al. (Patent # US 6650624).

As to claim 5, note the discussion above, Barham discloses a high speed demodulator system (see col. 4, line 11 through col. 6, line 63).

Both Barham and English fail to disclose CMTS.

Quigley discloses a CMTS channel bank organized into upstream and downstream channels (e.g., a plurality of demodulators 700a-700n, which receive modulated data input from a plurality of cable modems via a common transmission medium. The demodulators 700a-700n provide a demodulated data output for the frequency division multiplexed (FDM) upstream channels via which data is transmitted from the plurality of cable modems to the CMTS) (see col. 37, lines 29-45; Fig. 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the CMTS as taught by Quigley to the FIR filter of Barham as modified by English in order to enhance the data rate and/or reliability of upstream communications (see col. 3 lines 29-32).

As to claim 6, the claimed ratio of the number of upstream channels demodulated by the CMTS channel bank to a number of upstream input connectors of the CMTS channel bank is M (i.e., this is a matter of design choice as appreciated by one of ordinary skill in the art in the design of CMTS architecture).

As to claim 7, the claimed method of claim 6, wherein M is 16 is rejected on the same grounds as claim 6, since the claim has similar scope as claim 6.

As to claim 13, the claimed CMTS is DOCSIS compatible (i.e., it is well known in the art of cable modem technology that a CMTS is DOCSIS compatible).

As to claims 27-29 and 33, the claims are met by the rejection of claims 5-7 and 13, as described above.

11. Claims 14-15 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barham et al. (Patent # US 6721371 B1) in view of English (Patent # US 5489879), and further in view of Peyrovian (Patent # US 768682).

As to claim 14, note the discussion above, Barham discloses a high speed demodulator system (see col. 4, line 11 through col. 6, line 63).

Art Unit: 2623

Both Barham and English fail to disclose upstream channels are in the 750-1000 MHz, which is well known to those of ordinary skill in the art of transmitting data over cable service.

Peyrovian discloses the upstream channels are in the 750- 1000 MHz portion of the spectrum (see col. 3, lines 38-53)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the 750-1000 MHz portion of the spectrum as taught by Peyrovian to the FIR filter of Barham as modified by English because the high frequency band is typically much less susceptible to noise than the low frequency band that has traditionally been employed to carry the upstream information. Further, the frequency band of 750-1000 MHz has a much greater bandwidth than the low frequency band (see col. 3 lines 38-53).

As to claim 15, regarding the claimed at least one frequency stacker is used to densely pack each sub-band of the 750-1000 MHz spectrum portion (Official Notice is taking that it is notoriously well known in the art of data transmission over cable service to densely pack each sub-band of a given radio frequency (RF) spectrum portion (i.e. 750-1000 MHz) using at least one frequency stacker, for the advantage of efficiently using each sub-band in the given frequency spectrum so that the maximum amount of sub-bands in the spectrum may be used for sending data over the cable line. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at

Art Unit: 2623

the time of the invention to have used at least one frequency stacker to densely pack each sub-band of the 750-1000 MHz spectrum portion for the advantage given above).

As to claims 34-35, the claims are met by the rejection of claims 14-15, as described above.

12. Claims 9-10, 12, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barham et al. (Patent # US 6721371 B1) in view of English (Patent # US 5489879), further in view of Quigley et al. (Patent # US 6650624), and in further view of the Applicant's admitted prior art in Fig. 17(A).

As to claim 9, the claimed CMTS channel bank is organized using a plurality of modules, each module having a plurality of downstream channels and a plurality of upstream channels is met by the admitted prior art Fig. 17(A), that discloses a CMTS channel bank with a module of downstream connectors for channels and 16 upstream connectors for channels and there are 8 modules in the bank, which directly corresponds to the claimed features. The claimed features are not patentable in view of the disclosure of the admitted prior art.

As to claim 10, the claimed number of the upstream channels is 4 times a number of the downstream channels is met by admitted prior art Fig. 17(A), that discloses a CMTS channel bank with a module of 16 upstream connectors for channels

Art Unit: 2623

and 4 downstream connectors for channels and there are 8 modules in the bank, which directly corresponds to the claimed features. The claimed features are not patentable in view of the disclosure of the admitted prior art.

As to claim 12, the claimed CMTS channel bank has 4 times as many upstream channels as downstream channels is met by admitted prior art Fig. 17(A), that discloses a 32 downstream by 128 upstream CMTS channel bank, which directly corresponds to the claimed feature. The claimed feature is not patentable in view of the disclosure of the admitted prior art.

As to claims 30-32, the claims are met by the rejection of claims 9-10 and 12, as described above

Inquiries


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
12/06/2007



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600